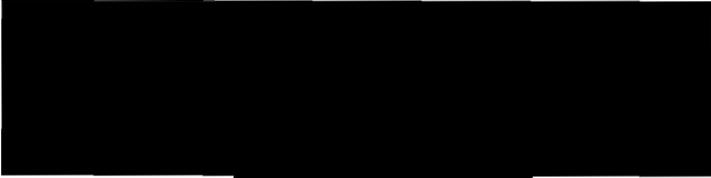




U.S. Citizenship  
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Services

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FILE:



Office: SAN FRANCISCO, CA

Date: NOV 29 2006

IN RE:

Applicant:



APPLICATION: Application for Certificate of Citizenship pursuant to section 301(a)(7) of the former Act,  
8 U.S.C. § 1401(a)(7).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, San Francisco, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director issued a notice requesting the applicant to appear on May 13, 2004 for an interview in connection with her Form N-600, Application for Citizenship. The district director mailed the notice to the address the applicant provided on Form N-600, yet it was returned by the post office as undeliverable. The applicant failed to appear for the interview, thus the district director denied the application for abandonment, pursuant to the regulation at 8 C.F.R. § 103.2(b).

On appeal the applicant asserts, through her mother, that she did not appear for her interview because she did not receive the interview notice. The applicant notes that the district director's denial letter was mailed to, and received at, the same address, suggesting that she failed to receive the interview notice through no fault of her own.

Volume 8 of the Code of Federal Regulations (8 C.F.R.) § 103.2(b)(13) states in pertinent part:

*Effect of failure to respond to a request for evidence or appearance.* . . . if a person requested to appear for an interview does not appear, [and] the Service does not receive his or her request for rescheduling by the date of the interview, . . . the application or petition shall be considered abandoned and, accordingly, shall be denied.

8 C.F.R. § 103.2(b)(15) states:

*Effect of withdrawal or denial due to abandonment.* [A] denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under Sec. 103.5. Withdrawal or denial due to abandonment does not preclude the filing of a new application or petition with a new fee. However, the priority or processing date of a withdrawn or abandoned application or petition may not be applied to a later application or petition. Withdrawal or denial due to abandonment shall not itself affect the new proceeding; but the facts and circumstances surrounding the prior application or petition shall otherwise be material to the new application or petition. (Emphasis added).

In the present matter, the district director determined that the applicant's Form N-600, Application for Certificate of Citizenship was abandoned. Accordingly, the application was denied pursuant to 8 C.F.R. § 103.2(b)(13). Because a denial due to abandonment cannot be appealed to the AAO, the present appeal must be rejected.<sup>1</sup>

**ORDER:** The appeal is rejected.

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<sup>1</sup> It is noted that the present decision does not preclude the applicant from filing a new N-600 Application, or a Motion to Reopen at the CIS, San Francisco district office, as set forth in 8 C.F.R. § 103.2(b)(15).